

# **EXHIBIT P**

**FILED UNDER SEAL**

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 -----x  
4 SONOS, INC.,  
5  
6 Plaintiff,  
7  
8 vs. Case No. 3:21-CV-07559-WHA  
9  
10 GOOGLE LLC,  
11  
12 Defendant.

13 -----x  
14 -AND-  
15 -----

16 UNITED STATES DISTRICT COURT  
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
18 -----x  
19 GOOGLE LLC,  
20  
21 Plaintiff,  
22  
23 vs. Case No. 3:20-CV-06754-WHA  
24  
25 SONOS, INC.,  
26  
27 Defendant.

28 -----x  
29 \*\*HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY\*\*  
30  
31 \*\*SOURCE CODE\*\*

32 REMOTE VIDEOTAPED DEPOSITION BY VIRTUAL ZOOM OF  
33 DAN SCHONFELD, PH.D.  
34 Friday, February 3, 2023  
35 Reported By: Lynne Ledanois, CSR 6811  
36 Job No. 5698162

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<p>1 they are not operating in standalone mode. 7:31AM</p> <p>2 Q So it's your position that when a Sonos</p> <p>3 player or any player is not playing audio, it's not</p> <p>4 operating in standalone mode; is that your position?</p> <p>5 MR. KAPLAN: Object to form, compound. 7:32AM</p> <p>6 THE WITNESS: So in my opinion, when, for</p> <p>7 example, it's -- to be specific, if we take the '966</p> <p>8 patent, Claim 1, it states in Limitation -- I think</p> <p>9 it's IV is how everybody referred to it, it says,</p> <p>10 "wherein the first zone player is operating in 7:33AM</p> <p>11 standalone mode in which the first zone player is</p> <p>12 configured to play back media individually."</p> <p>13 So there is a requirement -- there is a</p> <p>14 requirement to operating in standalone mode and this</p> <p>15 happens -- and the requirement for it is that the 7:33AM</p> <p>16 zone -- the first zone player is configured to play</p> <p>17 back media individually.</p> <p>18 So if there is no operation of that</p> <p>19 particular zone player, it cannot in my view operate</p> <p>20 in a standalone mode. 7:33AM</p> <p>21 Moreover, it would -- according to the use</p> <p>22 of the claim language "configured to play back media</p> <p>23 individually," it would also not be configured to</p> <p>24 play back media individually because the way that</p> <p>25 phrase is used is to be configured in the context of 7:34AM</p> <p style="text-align: right;">Page 38</p>	<p>1 BY MR. SMITH: 7:35AM</p> <p>2 Q If it's not actively playing audio, is it</p> <p>3 operating in standalone mode?</p> <p>4 MR. KAPLAN: Object to form.</p> <p>5 THE WITNESS: If it's not actively playing 7:36AM</p> <p>6 audio, then in my opinion it's not configured to</p> <p>7 play media individually consistent with the use of</p> <p>8 the claim language throughout, for example, Claim 2.</p> <p>9 And moreover, it's not operating and</p> <p>10 therefore cannot be viewed as operating in 7:36AM</p> <p>11 standalone mode.</p> <p>12 BY MR. SMITH:</p> <p>13 Q So if a player is not playing audio, your</p> <p>14 opinion is that it's not operating at all?</p> <p>15 MR. KAPLAN: Object to form, 7:36AM</p> <p>16 mischaracterizes testimony.</p> <p>17 (Reporter clarification.)</p> <p>18 THE WITNESS: If it is not playing audio,</p> <p>19 it might be operating in a sense that it's on, but</p> <p>20 it's not operating in standalone mode. 7:37AM</p> <p>21 BY MR. SMITH:</p> <p>22 Q And so if a speaker is powered off, is it</p> <p>23 your opinion that that speaker is not operating in</p> <p>24 standalone mode?</p> <p>25 A If it's turned off? 7:37AM</p> <p style="text-align: right;">Page 40</p>
<p>1 the claim language, you actually have to be 7:34AM</p> <p>2 performing or operating in that mode.</p> <p>3 For example, if you look at Claim 2, it</p> <p>4 says that when you cease operation, you're no longer</p> <p>5 configured. In that case it's about the 7:34AM</p> <p>6 coordination for synchrony, but given the use of the</p> <p>7 word "configured" and the fact -- and how we see</p> <p>8 this continues throughout the claims, and the fact</p> <p>9 that this is only a requirement for operating in</p> <p>10 standalone mode, then it would be my view to 7:34AM</p> <p>11 determine -- to operate in standalone mode, you</p> <p>12 actually have to actively play.</p> <p>13 BY MR. SMITH:</p> <p>14 Q Okay. So to be operating in standalone</p> <p>15 mode in which a first zone player is configured to 7:35AM</p> <p>16 play back media individually, it's your opinion that</p> <p>17 the player has to actively be playing audio; is that</p> <p>18 correct?</p> <p>19 MR. KAPLAN: Object to form.</p> <p>20 THE WITNESS: It is my view that if the 7:35AM</p> <p>21 player is actively playing audio, then it is</p> <p>22 operating in standalone mode. And in that case,</p> <p>23 whatever the limitations are that follow from that</p> <p>24 in Claim 1 have to be satisfied while it's operating</p> <p>25 in standalone mode. 7:35AM</p> <p style="text-align: right;">Page 39</p>	<p>1 Q Yes. 7:37AM</p> <p>2 A Yes, if a speaker is turned off, it's not</p> <p>3 operating in standalone mode because if it's turned</p> <p>4 off, it's not operating.</p> <p>5 Moreover, it is not configured at that 7:37AM</p> <p>6 moment to play back media individually because, as I</p> <p>7 said, configured to play back media individually</p> <p>8 requires actually playing.</p> <p>9 So, for example, if you look at the last</p> <p>10 phrase of the abstract as an example, it states -- 7:38AM</p> <p>11 I'm just going to go directly to the end, causes the</p> <p>12 first zone scene to be invoked such that the first</p> <p>13 zone and the second zone become configured for</p> <p>14 synchronous playback of media.</p> <p>15 And this is echoed in the claim language 7:38AM</p> <p>16 itself as I pointed to earlier.</p> <p>17 Q Is this the interpretation of standalone</p> <p>18 mode that you applied in your invalidity analysis?</p> <p>19 MR. KAPLAN: Object to form, vague.</p> <p>20 THE WITNESS: That is the interpretation 7:39AM</p> <p>21 of the claims that I applied in my invalidity</p> <p>22 analysis.</p> <p>23 At times I may have made comments under my</p> <p>24 understanding of Sonos's interpretation. I believe,</p> <p>25 for example -- and I'm doing this -- we can talk 7:39AM</p> <p style="text-align: right;">Page 41</p>

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<p>1 about it more specifically in a particular context. 7:39AM</p> <p>2 But I believe, for example, Dr. Almeroth</p> <p>3 states things that my vague recollection right now</p> <p>4 is to the effect of if you're not playing music</p> <p>5 before you join a group, and you remain in the mode 7:40AM</p> <p>6 where you're not playing music or audio after you</p> <p>7 join the group, then in his view you remain in</p> <p>8 standalone mode.</p> <p>9 So I may have made comments, even though I</p> <p>10 disagree with that statement, to the effect that in 7:40AM</p> <p>11 my view, if you adopt that principle that</p> <p>12 Dr. Almeroth proposed, then the prior art systems,</p> <p>13 Sonos 2005, Squeezebox system and Bose system, all</p> <p>14 would meet the standalone mode criteria based on</p> <p>15 silence. 7:40AM</p> <p>16 And I may have made comments to that</p> <p>17 effect under Sonos's interpretation.</p> <p>18 BY MR. SMITH:</p> <p>19 Q So if we can turn back to Paragraph 360</p> <p>20 real quick. If you look at the second post, the one 7:40AM</p> <p>21 that says "theboyg."</p> <p>22 In that post, does that teach or disclose</p> <p>23 a player operating in standalone mode prior to being</p> <p>24 added to a zone scene and then that player</p> <p>25 continuing to operate in standalone mode after being 7:41AM</p> <p style="text-align: right;">Page 42</p>	<p>1 time it's added to a downstairs group and then 7:43AM</p> <p>2 continuing to actively play audio after it's been</p> <p>3 added to that group?</p> <p>4 A So I would say that it doesn't completely</p> <p>5 spell it out in the way that's disclosed perfectly. 7:43AM</p> <p>6 But it does suggest it and a POSITA reading this would</p> <p>7 understand precisely that because what it's suggesting</p> <p>8 is if you have a zone scene called downstairs, it</p> <p>9 includes all of the speakers downstairs.</p> <p>10 And that the user is still allowed to play 7:43AM</p> <p>11 to individual speakers without unlinking and,</p> <p>12 therefore, when they are ready to invoke the</p> <p>13 speakers downstairs, which means all of the speakers</p> <p>14 downstairs in the downstairs zone scene, then they</p> <p>15 simply press a button and they stop operating in 7:44AM</p> <p>16 standalone mode and begin to operate in synchrony</p> <p>17 with the other speakers downstairs.</p> <p>18 Q Dr. Schonfeld, I want to circle back to</p> <p>19 your understanding of standalone mode.</p> <p>20 If a player is paused, so if the audio is 7:44AM</p> <p>21 paused on a player, is that player operating in</p> <p>22 standalone mode in which it is configured to output</p> <p>23 audio individually?</p> <p>24 MR. KAPLAN: Object to form.</p> <p>25 THE WITNESS: So I would have to know the 7:45AM</p> <p style="text-align: right;">Page 44</p>
<p>1 added to the zone scene? 7:41AM</p> <p>2 MR. KAPLAN: Object to form.</p> <p>3 THE WITNESS: Again, I think it's</p> <p>4 implicitly, but in this case maybe a bit more</p> <p>5 directly. 7:41AM</p> <p>6 And the reason I say that is because</p> <p>7 theboyg proposes creating a downstairs zone scene</p> <p>8 and avoiding linking and unlinking to the zone scene</p> <p>9 in order to allow him -- I presume it's him -- to</p> <p>10 join and unjoin whenever they want to from the zone 7:42AM</p> <p>11 scene.</p> <p>12 Which means to me that once the downstairs</p> <p>13 zone scene has been created, theboyg proposal would</p> <p>14 like to have the option of still playing</p> <p>15 individually to a particular speaker without 7:42AM</p> <p>16 necessarily playing to all of the speakers</p> <p>17 downstairs precisely to avoid linking and unlinking</p> <p>18 to the zone scene so that you can both play</p> <p>19 individually to a particular speaker and to</p> <p>20 downstairs zone scene to all of the speakers 7:42AM</p> <p>21 downstairs.</p> <p>22 BY MR. SMITH:</p> <p>23 Q Based on your interpretation of a</p> <p>24 standalone mode, does this forum post describe a</p> <p>25 zone player that's actively playing audio at the 7:43AM</p> <p style="text-align: right;">Page 43</p>	<p>1 context of such a hypothetical situation. I'm not 7:45AM</p> <p>2 sure exactly what you mean by "paused."</p> <p>3 My view in general is that to operate in</p> <p>4 standalone mode, you actually have to be playing</p> <p>5 audio individually. 7:45AM</p> <p>6 And I would say that if you were paused, I</p> <p>7 would probably not consider it to be operating in</p> <p>8 standalone mode. The only thing I would say is that</p> <p>9 it is possible such a situation could arise, I</p> <p>10 just -- I don't have enough information about such a 7:46AM</p> <p>11 hypothetical. So I wouldn't be able to answer it in</p> <p>12 the abstract.</p> <p>13 BY MR. SMITH:</p> <p>14 Q So let's go through a hypothetical. It's</p> <p>15 simple here. 7:46AM</p> <p>16 So I'm using the Google Home app and I</p> <p>17 initiate playback on a single Google speaker. So</p> <p>18 that speaker is now actively playing audio.</p> <p>19 Is that speaker at that point operating in</p> <p>20 standalone mode? 7:46AM</p> <p>21 A A single speaker is playing audio?</p> <p>22 Q Yes.</p> <p>23 A If that is the only speaker playing that</p> <p>24 audio, then yes.</p> <p>25 Q And now I take that same speaker and I 7:46AM</p> <p style="text-align: right;">Page 45</p>

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<p>1 reports in which he conducted at some point, I 11:47AM</p> <p>2 believe, tests on the new version of the firmware</p> <p>3 based on other speakers as well.</p> <p>4 Q Did you test the new firmware on any</p> <p>5 Chromecast devices? 11:47AM</p> <p>6 A Not beyond the devices that were already</p> <p>7 mentioned.</p> <p>8 Q Now, with respect to the grouping</p> <p>9 functionality provided by this new firmware, who has</p> <p>10 a better understanding of how that functionality 11:48AM</p> <p>11 operates, you or Ken MacKay?</p> <p>12 MR. KAPLAN: Object to form.</p> <p>13 THE WITNESS: I'm not sure exactly what</p> <p>14 you mean by that. He has a better understanding of</p> <p>15 the actual system and its implementation. And so -- 11:49AM</p> <p>16 but in terms of analyzing what the system does in</p> <p>17 the context of the patent, I would say me.</p> <p>18 In terms of the general operation of the</p> <p>19 system completely separate from the patent and just</p> <p>20 how does the software work and what it does, then I 11:49AM</p> <p>21 would defer to him.</p> <p>22 BY MR. SMITH:</p> <p>23 Q Now, if we could turn to Paragraph 47 of</p> <p>24 your report. Let me know when you're there.</p> <p>25 A I'm there now. 11:49AM</p> <p style="text-align: right;">Page 138</p>	<p>1 A I don't know what that means. I would just 11:51AM</p> <p>2 simply say from the point of view of the claims, that</p> <p>3 at that point the group is no longer operating in</p> <p>4 standalone mode in which the zone players, all of</p> <p>5 them, are configured to play back media individually. 11:51AM</p> <p>6 Q Do you understand what it means to launch</p> <p>7 a speaker group in Google's system?</p> <p>8 A I do.</p> <p>9 Q What does that mean?</p> <p>10 A Sorry, when you were saying the word 11:52AM</p> <p>11 "Google," my phone started. Sorry about that.</p> <p>12 It just means that you invoke the group.</p> <p>13 Q And what does it mean to invoke a Google</p> <p>14 speaker group?</p> <p>15 A To play back in synchrony. 11:52AM</p> <p>16 Q With that understanding of what it means</p> <p>17 to launch a group, you would agree that a new</p> <p>18 speaker group will always start in an unlaunched</p> <p>19 state after its creation; is that correct?</p> <p>20 A Yes. I prefer to use the terminology absent 11:52AM</p> <p>21 a break. So when you create a new group, all of the</p> <p>22 speakers are silent and they are waiting to be invoked</p> <p>23 before they would play back in synchrony.</p> <p>24 Q They are not operating in accordance with</p> <p>25 the group for synchronous playback at that point; is 11:53AM</p> <p style="text-align: right;">Page 140</p>
<p>1 Q In that first sentence you say, "A 11:49AM</p> <p>2 commonality between each of these methods for</p> <p>3 creating a group is that the speakers added to the</p> <p>4 group no longer continue their previous activity and</p> <p>5 instead either play back music (if that is what the 11:50AM</p> <p>6 group was doing) or stop playback."</p> <p>7 Do you see that?</p> <p>8 A I do.</p> <p>9 Q Now, with respect to creating a new</p> <p>10 speaker group -- so not modifying a preexisting, 11:50AM</p> <p>11 just creating a new speaker group, the speakers that</p> <p>12 are added to a new speaker group will never be</p> <p>13 playing music in accordance with the new speaker</p> <p>14 group after the group is created; is that correct?</p> <p>15 MR. KAPLAN: Object to form. 11:50AM</p> <p>16 THE WITNESS: The word "never" throws me</p> <p>17 off. But I would say that when you create a new</p> <p>18 group, all members of the new group pause whatever</p> <p>19 they were doing, unless they were doing nothing --</p> <p>20 not paused but stop whatever they were doing unless 11:51AM</p> <p>21 they were doing nothing and then join the group.</p> <p>22 At that point they all are silent.</p> <p>23 BY MR. SMITH:</p> <p>24 Q At that point the group is in an</p> <p>25 unlaunched state; correct? 11:51AM</p> <p style="text-align: right;">Page 139</p>	<p>1 that correct? 11:53AM</p> <p>2 A Before the -- before there is a command to</p> <p>3 play that particular group, they are not -- at that</p> <p>4 point -- they are not at that point coordinating to</p> <p>5 play back in synchrony. 11:53AM</p> <p>6 Q Are they operating in accordance with the</p> <p>7 group at that point?</p> <p>8 A They are part of the group. They are stored</p> <p>9 as a group, they just need a single button press by a</p> <p>10 user and they would begin to play in synchrony as a 11:54AM</p> <p>11 group.</p> <p>12 Q But prior to that button press by the</p> <p>13 user, so after the new speaker group is created and</p> <p>14 before this button press by the user to invoke the</p> <p>15 group, are the players operating in accordance with 11:54AM</p> <p>16 the group at that point?</p> <p>17 A I don't know what that means, to operate in</p> <p>18 accordance with a group. It's not a claim term and I</p> <p>19 don't know exactly what you mean by that.</p> <p>20 They are part of the group, they are 11:54AM</p> <p>21 members of the group and they are not playing music.</p> <p>22 Q But they are not operating as part of the</p> <p>23 group at that point; is that correct?</p> <p>24 A They are not operating at all. They are not</p> <p>25 operating to play anything. They are listed as part 11:55AM</p> <p style="text-align: right;">Page 141</p>